

107TH CONGRESS
2D SESSION

H. R. 4547

IN THE SENATE OF THE UNITED STATES

JULY 24, 2002

Received; read twice and referred to the Committee on Armed Services

AN ACT

To authorize appropriations for fiscal year 2003 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2003.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Cost of War Against Terrorism Authorization Act of
 4 2002”.

5 (b) TABLE OF CONTENTS.—The table of contents of
 6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Amounts authorized for the War on Terrorism.
- Sec. 3. Additional authorizations

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Authorizations to Transfer Accounts

- Sec. 101. War on Terrorism Operations Fund.
- Sec. 102. War on Terrorism Equipment Replacement and Enhancement Fund.
- Sec. 103. General provisions applicable to transfers.

Subtitle B—Authorizations to Specified Accounts

- Sec. 111. Army procurement.
- Sec. 112. Navy and Marine Corps procurement.
- Sec. 113. Air Force procurement.
- Sec. 114. Defense-wide activities procurement.
- Sec. 115. Research, development, test, and evaluation, defense-wide.
- Sec. 116. Classified activities.
- Sec. 117. Global Information Grid system.
- Sec. 118. Operation and maintenance.
- Sec. 119. Military personnel.

Subtitle C—Military Construction Authorizations

- Sec. 131. Authorized military construction and land acquisition projects.

TITLE II—WARTIME PAY AND ALLOWANCE INCREASES

- Sec. 201. Increase in rate for family separation allowance.
- Sec. 202. Increase in rates for various hazardous duty incentive pays.
- Sec. 203. Increase in rate for diving duty special pay.
- Sec. 204. Increase in rate for imminent danger pay.
- Sec. 205. Increase in rate for career enlisted flyer incentive pay.
- Sec. 206. Increase in amount of death gratuity.
- Sec. 207. Effective date.

TITLE III—ADDITIONAL PROVISIONS

- Sec. 301. Establishment of at least one Weapons of Mass Destruction Civil Support Team in each State.
- Sec. 302. Authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
- Sec. 303. Sense of Congress on assistance to first responders.

1 **SEC. 2. AMOUNTS AUTHORIZED FOR THE WAR ON TER-**
2 **RORISM.**

3 The amounts authorized to be appropriated in this
4 Act, totalling \$10,000,000,000, are authorized for the
5 conduct of operations in continuation of the war on ter-
6 rorism in accordance with the Authorization for Use of
7 Military Force (Public Law 107–40; 50 U.S.C. 1541 note)
8 and, to the extent appropriations are made pursuant to
9 such authorizations, shall only be expended in a manner
10 consistent with the purposes stated in section 2(a) thereof.

11 **SEC. 3. ADDITIONAL AUTHORIZATIONS**

12 The amounts authorized to be appropriated by this
13 Act are in addition to amounts authorized to be appro-
14 priated for military functions of the Department of De-
15 fense for fiscal year 2003 in the National Defense Author-
16 ization Act for Fiscal Year 2003 or any other Act.

17 **TITLE I—AUTHORIZATION OF**
18 **APPROPRIATIONS**

19 **Subtitle A—Authorizations to**
20 **Transfer Accounts**

21 **SEC. 101. WAR ON TERRORISM OPERATIONS FUND.**

22 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is
23 hereby authorized to be appropriated to the Department
24 of Defense for fiscal year 2003 the amount of
25 \$3,544,682,000, to be available only for operations in ac-
26 cordance with the purposes stated in section 2 for Oper-

1 ation Noble Eagle and Operation Enduring Freedom.
2 Funds authorized in the preceding sentence may only be
3 used as provided in subsection (b).

4 (b) TRANSFER AUTHORITY.—Subject to section 103,
5 the Secretary of Defense may, in the Secretary’s discre-
6 tion, transfer amounts authorized in subsection (a) to any
7 fiscal year 2003 military personnel or operation and main-
8 tenance account of the Department of Defense for the pur-
9 poses stated in that subsection.

10 **SEC. 102. WAR ON TERRORISM EQUIPMENT REPLACEMENT**
11 **AND ENHANCEMENT FUND.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
13 hereby authorized to be appropriated to the Department
14 of Defense for fiscal year 2003 the amount of
15 \$1,000,000,000, to be available only in accordance with
16 the purposes stated in section 2 and to be used only as
17 provided in subsection (b).

18 (b) TRANSFER AUTHORITY.—Subject to section 103,
19 the Secretary of Defense may, in the Secretary’s discre-
20 tion, transfer amounts authorized in subsection (a) to any
21 fiscal year 2003 procurement or research, development,
22 test, and evaluation account of the Department of Defense
23 for the purpose of—

24 (1) emergency replacement of equipment and
25 munitions lost or expended in operations conducted

1 as part of Operation Noble Eagle or Operation En-
2 during Freedom; or

3 (2) enhancement of critical military capabilities
4 necessary to carry out operations pursuant to Public
5 Law 107-40.

6 **SEC. 103. GENERAL PROVISIONS APPLICABLE TO TRANS-**
7 **FERS.**

8 (a) IN GENERAL.—Amounts transferred pursuant to
9 section 101(b) or 102(b) shall be merged with, and avail-
10 able for the same purposes and the same time period as,
11 the account to which transferred.

12 (b) CONGRESSIONAL NOTICE-AND-WAIT REQUIRE-
13 MENT.—A transfer may not be made under section 101(b)
14 or 102(b) until the Secretary of Defense has submitted
15 a notice in writing to the Committees on Armed Services
16 and the Committees on Appropriations of the Senate and
17 House of Representatives of the proposed transfer and a
18 period of 15 days has elapsed after the date such notice
19 is received. Any such notice shall include specification of
20 the amount of the proposed transfer, the account to which
21 the transfer is to be made, and the purpose of the transfer.

22 (c) TRANSFER AUTHORITY CUMULATIVE.—The
23 transfer authority provided by this subtitle is in addition
24 to any other transfer authority available to the Secretary
25 of Defense under this Act or any other Act.

Subtitle B—Authorizations to Specified Accounts

SEC. 111. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement accounts of the Army in amounts as follows:

(1) For ammunition, \$94,000,000.

(2) For other procurement, \$10,700,000.

SEC. 112. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft, \$106,000,000.

(2) For weapons, including missiles and torpedoes, \$633,000,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2003 for the procurement account for the Marine Corps in the amount of \$25,200,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2003 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of \$120,600,000.

1 **SEC. 113. AIR FORCE PROCUREMENT.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2003 for procurement accounts for the Air
4 Force in amounts as follows:

5 (1) For aircraft, \$214,550,000.

6 (2) For ammunition, \$157,900,000.

7 (3) For other procurement, \$10,800,000.

8 **SEC. 114. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

9 Funds are hereby authorized to be appropriated for
10 fiscal year 2003 for the procurement account for Defense-
11 wide procurement in the amount of \$620,414,000.

12 **SEC. 115. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
13 **TION, DEFENSE-WIDE.**

14 Funds are hereby authorized to be appropriated for
15 fiscal year 2003 for the research, development, test, and
16 evaluation account for Defense-wide activities in the
17 amount of \$390,100,000.

18 **SEC. 116. CLASSIFIED ACTIVITIES.**

19 Funds are hereby authorized to be appropriated for
20 the Department of Defense for fiscal year 2003 for un-
21 specified intelligence and classified activities in the
22 amount of \$1,980,674,000, of which—

23 (1) \$1,618,874,000 is authorized to be appro-
24 priated to procurement accounts;

25 (2) \$301,600,000 is authorized to be appro-
26 priated to operation and maintenance accounts; and

1 (3) \$60,200,000 is authorized to be appro-
2 priated to research, development, test, and evalua-
3 tion accounts.

4 **SEC. 117. GLOBAL INFORMATION GRID SYSTEM.**

5 None of the funds authorized to be appropriated by
6 this Act for the Department of Defense system known as
7 the Global Information Grid may be obligated until the
8 Secretary of Defense submits to the Committees on Armed
9 Services and the Committees on Appropriations of the
10 Senate and House of Representatives the Secretary's cer-
11 tification that the end-to-end system is secure and pro-
12 tected from unauthorized access to the information trans-
13 mitted through the system.

14 **SEC. 118. OPERATION AND MAINTENANCE.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2003 for the use of the Armed Forces for ex-
17 penses, not otherwise provided for, for operation and
18 maintenance, in amounts as follows:

19 (1) For the Army, \$14,270,000.

20 (2) For the Navy, \$5,252,500.

21 (3) For the Marine Corps, \$11,396,000.

22 (4) For the Air Force, \$517,285,000.

1 **SEC. 119. MILITARY PERSONNEL.**

2 There is hereby authorized to be appropriated to the
3 Department of Defense for military personnel accounts for
4 fiscal year 2003 a total of \$503,100,000.

5 **Subtitle C—Military Construction**
6 **Authorizations**

7 **SEC. 131. AUTHORIZED MILITARY CONSTRUCTION AND**
8 **LAND ACQUISITION PROJECTS.**

9 (a) PROJECTS AUTHORIZED.—Using amounts appro-
10 priated pursuant to the authorization of appropriations in
11 subsection (b), the Secretary of the military department
12 concerned may acquire real property and carry out mili-
13 tary construction projects for the installations and loca-
14 tions, and in the amounts, set forth in the following table:

Projects Authorized

Military Department	Installation or location	Amount
<i>Department of the Army</i>	<i>Qatar</i>	<i>\$8,600,000</i>
<i>Department of the Navy</i>	<i>Naval Station, Guantanamo Bay,</i>	
	<i>Cuba</i>	<i>\$4,280,000</i>
	<i>Naval Station, Rota, Spain</i>	<i>\$18,700,000</i>
<i>Department of the Air Force ...</i>	<i>Bolling Air Force Base, District of</i>	
	<i>Columbia</i>	<i>\$3,500,000</i>
	<i>Total</i>	<i>\$35,080,000</i>

15 (b) AUTHORIZATION OF APPROPRIATIONS.—Funds
16 are hereby authorized to be appropriated for fiscal year
17 2003 for the military construction projects authorized by
18 subsection (a) in the total amount of \$35,080,000.

1 **TITLE II—WARTIME PAY AND**
2 **ALLOWANCE INCREASES**

3 **SEC. 201. INCREASE IN RATE FOR FAMILY SEPARATION AL-**
4 **LOWANCE.**

5 Section 427(a)(1) of title 37, United States Code, is
6 amended by striking “\$100” and inserting “\$125”.

7 **SEC. 202. INCREASE IN RATES FOR VARIOUS HAZARDOUS**
8 **DUTY INCENTIVE PAYS.**

9 (a) FLIGHT PAY FOR CREW MEMBERS.—Subsection
10 (b) of section 301 of title 37, United States Code, is
11 amended by striking the table and inserting the following
12 new table:

“Pay grade:	<i>Monthly Rate</i>
O–10	\$200
O–9	\$200
O–8	\$200
O–7	\$200
O–6	\$300
O–5	\$300
O–4	\$275
O–3	\$225
O–2	\$200
O–1	\$200
W–5	\$300
W–4	\$300
W–3	\$225
W–2	\$200
W–1	\$200
E–9	\$290
E–8	\$290
E–7	\$290
E–6	\$265
E–5	\$240
E–4	\$215
E–3	\$200
E–2	\$200
E–1	\$200”.

1 (b) INCENTIVE PAY FOR PARACHUTE JUMPING
 2 WITHOUT STATIC LINE.—Subsection (c)(1) of such sec-
 3 tion is amended by striking “\$225” and inserting “\$275”.

4 (c) OTHER HAZARDOUS DUTIES.—Subsection (c)(1)
 5 of such section is amended by striking “\$150” and insert-
 6 ing “\$200”.

7 (d) REMOVAL OF AIR WEAPONS CONTROLLER CREW
 8 MEMBERS FROM LIST OF HAZARDOUS DUTIES.—Such
 9 section is further amended—

10 (1) in subsection (a)—

11 (A) by striking paragraph (12);

12 (B) in paragraph (11), by striking “; or”
 13 and inserting a period; and

14 (C) in paragraph (10), by inserting “or”
 15 after the semicolon; and

16 (2) in subsection (c), as amended by sub-
 17 sections (b) and (c) of this section—

18 (A) by striking “(1)”; and

19 (B) by striking paragraph (2).

20 **SEC. 203. INCREASE IN RATE FOR DIVING DUTY SPECIAL**
 21 **PAY.**

22 Section 304(b) of title 37, United States Code, is
 23 amended—

24 (1) by striking “\$240” and inserting “\$290”;
 25 and

1 (2) by striking “\$340” and inserting “\$390”.

2 **SEC. 204. INCREASE IN RATE FOR IMMINENT DANGER PAY.**

3 Section 310(a) of title 37, United States Code, is
4 amended by striking “\$150” and inserting “\$250”.

5 **SEC. 205. INCREASE IN RATE FOR CAREER ENLISTED**
6 **FLYER INCENTIVE PAY.**

7 The table in section 320(d) of title 37, United States
8 Code, is amended to read as follows:

“Years of aviation service	Monthly rate
4 or less	\$200
Over 4	\$275
Over 8	\$400
Over 14	\$450.”.

9 **SEC. 206. INCREASE IN AMOUNT OF DEATH GRATUITY.**

10 Section 1478(a) of title 10, United States Code, is
11 amended by striking “\$6,000” and inserting “\$12,000”.

12 **SEC. 207. EFFECTIVE DATE.**

13 (a) IN GENERAL.—Except as provided in subsection
14 (b), the amendments made by this title shall take effect
15 on the later of the following:

16 (1) The first day of the first month beginning
17 on or after the date of the enactment of this Act.

18 (2) October 1, 2002.

19 (b) DEATH GRATUITY.—The amendment made by
20 section 206 shall apply with respect to a person covered
21 by section 1475 or 1476 of title 10, United States Code,

1 whose date of death occurs on or after the later of the
2 following:

3 (1) The date of the enactment of this Act.

4 (2) October 1, 2002.

5 **TITLE III—ADDITIONAL**
6 **PROVISIONS**

7 **SEC. 301. ESTABLISHMENT OF AT LEAST ONE WEAPONS OF**
8 **MASS DESTRUCTION CIVIL SUPPORT TEAM IN**
9 **EACH STATE.**

10 (a) FINDINGS.—Congress makes the following find-
11 ings:

12 (1) Weapons of Mass Destruction Civil Support
13 Teams are strategic assets, stationed at the oper-
14 ational level, as an immediate response capability to
15 assist local responders in the event of an emergency
16 within the United States involving use or potential
17 use of weapons of mass destruction.

18 (2) Since September 11 2001, Civil Support
19 Teams have responded to more than 200 requests
20 for support from civil authorities for actual or poten-
21 tial weapons of mass destruction incidents and have
22 supported various national events, including the
23 World Series, the Super Bowl, and the 2002 Winter
24 Olympics.

1 (3) To enhance homeland security as the Na-
2 tion fights the war against terrorism, each State and
3 territory must have a Weapons of Mass Destruction
4 Civil Support Team to respond to potential weapons
5 of mass destruction incidents.

6 (4) In section 1026 of the Bob Stump National
7 Defense Authorization Act for Fiscal Year 2003 as
8 passed the House of Representatives on May 10,
9 2002 (H.R. 4546 of the 107th Congress), the House
10 of Representatives has already taken action to that
11 end by expressing the sense of Congress that the
12 Secretary of Defense should establish 23 additional
13 Weapons of Mass Destruction Civil Support Teams
14 in order to provide at least one such team in each
15 State and territory.

16 (5) According to a September 2001 report of
17 the Comptroller General entitled “Combating Ter-
18 rorism”, the Department of Defense plans that there
19 eventually should be a Weapons of Mass Destruction
20 Civil Support Teams in each State, territory, and
21 the District of Columbia.

22 (b) REQUIREMENT.—From funds authorized to be
23 appropriated in section 101, the Secretary of Defense shall
24 ensure that there is established at least one Weapons of
25 Mass Destruction Civil Support Team in each State.

1 (c) DEFINITIONS.—For purposes of this section:

2 (1) The term “Weapons of Mass Destruction
3 Civil Support Team” means a team of members of
4 the reserve components of the armed forces that is
5 established under section 12310(c) of title 10,
6 United States Code, in support of emergency pre-
7 paredness programs to prepare for or to respond to
8 any emergency involving the use of a weapon of
9 mass destruction.

10 (2) The term “State” includes the District of
11 Columbia, Puerto Rico, the Virgin Islands, and
12 Guam.

13 (d) DEADLINE FOR IMPLEMENTATION.—The Sec-
14 retary of Defense shall ensure that subsection (b) is fully
15 implemented not later than September 30, 2003.

16 **SEC. 302. AUTHORITY FOR JOINT TASK FORCES TO**
17 **PROVIDE SUPPORT TO LAW ENFORCEMENT**
18 **AGENCIES CONDUCTING COUNTER-TER-**
19 **RORISM ACTIVITIES.**

20 (a) AUTHORITY.—A joint task force of the Depart-
21 ment of Defense that provides support to law enforcement
22 agencies conducting counter-drug activities may also pro-
23 vide, consistent with all applicable laws and regulations,
24 support to law enforcement agencies conducting counter-
25 terrorism activities.

1 (b) CONDITIONS.—Any support provided under sub-
 2 section (a) may only be provided in the geographic area
 3 of responsibility of the joint task force.

4 (c) FUNDS.—Funds are hereby authorized to be ap-
 5 propriated for fiscal year 2003 in the amount of
 6 \$5,000,000 to provide support for counter-terrorism ac-
 7 tivities in accordance with subsections (a) and (b).

8 **SEC. 303. SENSE OF CONGRESS ON ASSISTANCE TO FIRST**
 9 **RESPONDERS.**

10 It is the sense of Congress that the Secretary of De-
 11 fense should, to the extent the Secretary determines ap-
 12 propriate, use funds provided in this Act to assist, train,
 13 and equip local fire and police departments that would be
 14 a first responder to a domestic terrorist incident that may
 15 come about in connection with the continued fight to pros-
 16 ecute the war on terrorism.

Passed the House of Representatives July 24, 2002.

Attest: JEFF TRANDAHL,
Clerk.